

Message Text

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ACTION EB-11

INFO OCT-01 ARA-16 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

DOTe-00 INR-11 NSAE-00 RSC-01 FAA-00 L-03 SS-20 H-03

IO-14 DRC-01 /090 W

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R 112235Z SEP 74

FM AMEMBASSY BOGOTA

TO SECSTATE WASHDC 4764

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EO 11652: NA

TAGS: EAIR CO US

SUBJ: GOC OPPOSITION TO PROPOSED FAA NOISE SUPPRESSION REGULATIONS

1. FOLLOWING IS INFORMAL TRANSLATION OF DIPLOMATIC NOTE RECEIVED FROM FOREIGN MINISTRY EXPRESSING GOC OPPOSITION TO THE PROPOSED FAA NOISE SUPPRESSION REGULATIONS AND REQUESTING THAT THE REGULATIONS NOT BE PUT INTO EFFECT:

QUOTE NOTE. AE. TA. EUA - 5277

THE MINISTRY OF FOREIGN RELATIONS PRESENTS ITS COMPLIMENTS TO THE EMBASSY OF THE UNITED STATES OF AMERICA AND, WITH REFERENCE TO A SENSITIVE PROBLEM THAT CAN NEGATIVELY AFFECT THE ECONOMIC INTERESTS OF COLOMBIAN AIRLINES DESIGNATED TO FLY TO THE UNITED STATES UNDER THE TERMS OF THE BILATERAL CIVIL AVIATION AGREEMENT OF OCTOBER 1957 CURRENTLY IN FORCE, HAS THE HONOR TO BRING TO THE EMBASSY'S ATTENTION THE FOLLOWING CONSIDERATIONS:

THE GOVERNMENT OF COLOMBIA HAS BEEN INFORMED THAT ON MARCH 27, 1974, THE UNITED STATES FEDERAL AVIATION ADMINISTRATION PUBLISHED NOTICE NO. 74-14 (DOCKET NO. 13582), BY WHICH INTERESTED PARTIES WERE NOTIFIED OF THE INTENTION OF THE FAA TO MODIFY PART 91 OF THE FEDERAL AVIATION REGULATIONS BY ESTABLISHING NEW REQUIREMENTS REGARDING ENGINE NOISE FOR THE OPERATION

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OF AIRCRAFT WEIGHING 75,000 POUNDS OR MORE. ACCORDING TO THIS

NOTICE, ALL AIRCRAFT THAT OPERATE IN OR FROM AND TO THE UNITED STATES WILL HAVE TO MEET THESE MINIMUM REQUIREMENTS IN THE COURSE OF THE COMING YEARS OR THEY WILL NOT BE ABLE TO LAND AT AIRPORTS IN THE UNITED STATES.

THE GOVERNMENT IS AWARE OF THE FACT THAT, AMONG THE COLOMBIAN COMPANIES TO WHICH THESE REQUIREMENTS MAY BE APPLIED, AVIANCA HAS OPPOSED THEIR ADOPTION BY THE FAA BY MEANS OF A BRIEF SUBMITTED LAST JUNE 28 BY THE COMPANY'S LAWYERS IN WASHINGTON. MOREOVER, THE GOVERNMENT UNDERSTANDS THAT MANY OTHER AIRLINE COMPANIES, PARTICULARLY FROM LATIN AMERICA, HAVE OPPOSED ISSUANCE OF THE REGULATIONS. THE MINISTRY TAKES THIS OPPORTUNITY TO STATE THAT IT AGREES COMPLETELY WITH THE VIEWS SET FORTH BY THE NATIONAL CARRIER, AND THAT IT WOULD LIKE THOSE VIEWS TO BE ACCORDED FULL CONSIDERATION IN ARRIVING AT A DECISION IN THIS MATTER.

IN ADDITION TO THOSE TECHNICAL AND ECONOMIC CONSIDERATIONS RAISED BY AVIANCA, IT SHOULD BE NOTED THAT, IN ORDER TO MEET THE NEW REQUIREMENTS, THE COMPANY UNDOUBTEDLY WILL BE OBLIGED TO INVEST CLOSE TO ONE MILLION DOLLARS PER PLANE FOR MODIFICATIONS TO THE ENGINES WITHOUT IT HAVING BEEN CLEARLY ESTABLISHED THAT IT IS POSSIBLE TO SUBSTANTIALLY REDUCE CURRENT SOUND LEVELS BY MEANS OF SUCH MODIFICATIONS. AN EXAMINATION SHOULD BE MADE, THEREFORE, OF WHETHER IT IS REALLY WORTHWHILE TO DEMAND THAT FOREIGN AIR CARRIERS UNDERTAKE SUCH EXTRAORDINARY LARGE INVESTMENTS, WHICH MAY UNDERMINE THEIR ECONOMIC STABILITY, IN EXCHANGE FOR SUCH INSIGNIFICANT RESULTS.

MOREOVER, AS THE GOVERNMENT OF THE UNITED STATES IS AWARE, AVIANCA'S JET AIRCRAFT ARE ENTIRELY OF NORTH AMERICAN MANUFACTURE, AND AT THE TIME THIS EQUIPMENT WAS ACQUIRED, BEGINNING IN 1961, IT MET ALL OF THE TECHNICAL AND OPERATIONAL REQUIREMENTS ESTABLISHED BY THE US AERONAUTICAL AUTHORITIES. TODAY, MUCH OF THIS EQUIPMENT HAS A LIMITED COMMERCIAL LIFE IN SPITE OF THE FACT THAT, BECAUSE OF HIGH ACQUISITION COSTS, NORMAL PERIODS OF AMORTIZATION HAVE NOT BEEN COMPLETED. THIS SITUATION IS ATTRIBUTABLE TO THE EARLY INTRODUCTION OF WIDE BODIES AIRCRAFT, ALSO OF NORTH AMERICAN MANUFACTURE, WHICH WILL OBLIGE SMALL CARRIERS LIKE AVIANCA TO UNDERTAKE NEW INVESTMENTS, LIMITED OFFICIAL USE

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WHICH UNDER OTHER CONDITIONS WOULD NOT BE JUSTIFIED, SOLELY IN ORDER TO MEET THE COMPETITION OF THE NORTH AMERICAN AIRLINES NOW FLYING AIRCRAFT OF LARGER CAPACITY, THE SUITABILITY OF WHICH ON THE ROUTES ESTABLISHED IN THE 1957 AGREEMENT IS OPEN TO QUESTION. UNDER THESE CIRCUMSTANCES, EXPENDITURES AS LARGE AS THOSE REQUIRED TO MAKE THE MODIFICATIONS NECESSARY TO MEET THE PROPOSED FAA NOISE REGULATIONS WOULD HAVE NO RELATION TO THE INTERNATIONAL MARKET VALUE OF THE AIRCRAFT AND COULD

THEREFORE BE INTERPRETED AS UNWARRANTED PRESSURE TO ACCELERATE THE ACQUISITION OF WIDE BODY AIRCRAFT BY FOREIGN CARRIERS.

MOREOVER, THE ENGINE MODIFICATIONS REFERRED TO NATURALLY ARE BASED ON DESIGNS AND NEW TECHNICAL EQUIPMENT DEVELOPED AND FURNISHED BY THE SAME AIRCRAFT MANUFACTURERS AND, GIVEN THE INSIGNIFICANT RESULTS TO BE ACHIEVED WITH REGARD TO THE NOISE LEVEL, IT CAN ALSO BE SUSPECTED THAT WHAT REALLY IS BEING SOUGHT IS SIMPLY TO FORCE THE CARRIERS TO ACQUIRE PRODUCTS OF US DESIGN AND MANUFACTURE IN EVER INCREASING QUANTITY AND AT EVER INCREASING PRICES, THEREBY INCREASING THE TECHNOLOGICAL AND ECONOMIC DEPENDENCE WHICH EXISTS IN VERY IMPORTANT SECTORS OF THE WORLD AVIATION INDUSTRY.

LASTLY, THE POSSIBILITY THAT THE FAA MAY ADOPT THESE STANDARDS IN A COMPLETELY UNILATERAL MANNER, THEREBY DISREGARDING THE MAJOR EFFORTS THAT HAVE BEEN MADE SINCE THE CHICAGO CONVENTION OF 1944 TO ACHIEVE TECHNICAL UNIFORMITY IN INTERNATIONAL CIVIL AVIATION, PRIMARILY THROUGH THE INTERNATIONAL CIVIL AVIATION

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TO SECSTATE WASHDC 4765

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ORGANIZATION, WOULD OPEN THE DOORS TO CHANGE IN SUCH A WAY THAT ALL COUNTRIES WOULD FEEL AUTHORIZED TO UNILATERALLY ESTABLISH TECHNICAL AND OPERATIONAL REGULATIONS WHICH COULD BE OF A CAPRICIOUS AND ARBITRARY NATURE AND WHICH IN THE END WOULD ONLY LEAD TO THE DESTRUCTION OF THE EFFORTS MADE SO FAR AND TO THE IMPOSSIBILITY OF INTERNATIONAL CIVIL AVIATION CONTINUING

TO BE AN EASY, SAFE AND ECONOMIC MEANS OF TRANSPORTATION BETWEEN COUNTRIES.

FOR THESE REASONS THE GOVERNMENT OF COLOMBIA WISHES TO MAKE AN APPEAL TO THE SPIRIT OF UNDERSTANDING OF THE GOVERNMENT OF THE UNITED STATES, IN ORDER THAT PROBLEMS OF THIS NATURE MAY BE STUDIED AND RESOLVED MULTILATERALLY, UTILIZING THE ESTABLISHED CHANNELS FOR THE NEGOTIATION AND IMPLEMENTATION OF OBLIGATORY STANDARDS CLEARLY AUTHORIZED BY THE CHICAGO CONVENTION OF 1944.

THEREFORE, THE COLOMBIAN GOVERNMENT WOULD BE GRATEFUL IF THE GOVERNMENT OF THE UNITED STATES WOULD STUDY THIS PROBLEM WITH A VIEW TO NOT ADOPTING THE PROPOSED REGULATIONS INASMUCH AS THEY WOULD BE EXTREMELY PREJUDICIAL TO COLOMBIAN INTERNATIONAL AVIATION.

THE MINISTRY OF FOREIGN RELATIONS AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE EMBASSY OF THE UNITED STATES OF AMERICA LIMITED OFFICIAL USE

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THE ASSURANCES OF ITS HIGHEST AND MOST DISTINGUISHED CONSIDERATION.

BOGOTA, AUGUST 28, 1974 END QUOTE

2. COPIES OF SPANISH VERSION BEING POUCHED.

3. ACTION REQUESTED: GUIDANCE FOR REPLY TO FOREIGN MINISTRY.
VAKY

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Message Attributes

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